

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JOSEPH SCHILLECI, JR.,)
)
Plaintiff,)
)
v.) CIVIL ACTION NUMBER:
) JURY TRIAL DEMANDED
EQUIFAX INFORMATION)
SERVICES, LLC;)
)
Defendants.)

COMPLAINT

COMES NOW the Plaintiff, Joseph Schilleci, Jr., by and through his undersigned counsel, and for his complaint against the Defendants states as follows:

PRELIMINARY STATEMENT

This is an action for actual, statutory and punitive damages, costs and attorneys' fees brought pursuant to the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §1681, *et seq.*

JURISDICTION AND VENUE

This Court has jurisdiction over this matter pursuant to 15 U.S.C. §1681p,

and 28 U.S.C. §1331. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391 (b).

STATEMENT OF THE PARTIES

1. Plaintiff, Joseph Schillicci, Jr., is over the age of nineteen (19) years and is a resident of the city of Pelham in Shelby County, Alabama.
2. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1681a(c).
3. Equifax Information Services, LLC (hereinafter “Equifax”) is a Georgia Corporation with a principal place of business in the state of Georgia. Equifax does and has at all pertinent times relevant herein done business in this district.
4. Equifax is a nationwide consumer reporting agency as that term is defined by 15 U.S.C. §1681a(f).
5. Upon information and belief, Defendant is regularly engaged in the business of assembling, evaluating and disbursing information concerning consumers, such as Plaintiff, for the purpose of furnishing consumer reports as defined in 15 U.S.C. §1681a(f) to third parties.
6. Upon information and belief Defendant disburses consumer reports to third parties for monetary compensation.

7. All events herein occurred in this judicial district.

STATEMENT OF FACTS

Background

8. On November 16, 2011, Plaintiff's father, Joseph Schillicci, Sr., passed away.
9. In March or April 2020, Plaintiff's wife's vehicle lease was expiring. As a result, Plaintiff went to Town & Country Ford to trade-in and purchase vehicles for himself and his wife. Plaintiff's loan applications were denied and ultimately both vehicles had to be put in his wife's name only for financing.
10. In April or May 2020, Plaintiff went to pay his Home Depot/Citibank credit card online but could not because the account apparently had been closed. Plaintiff knew this was not correct as he had a balance on the account and was current on all of his payments. He contacted Home Depot/Citibank and was told to submit an online error report.
11. On May 1, 2020, Plaintiff, concerned about his loss of credit, pulled his Equifax credit report. To his surprise, he was listed as "Deceased" in a trade line reported by Lending Club, one of the creditors on his report.

12. Plaintiff is not deceased.
13. The May 1, 2020 Equifax credit report also listed as an address belonging to the Plaintiff 301 Mills Way Pelham, AL 35124. This address was Plaintiff's father's address and is not associated with Plaintiff.
14. Plaintiff received a letter addressed to Estate of Joseph Schillicci and sent to Plaintiff's home address dated July 22, 2020 from Ascension Point, a debt collector, seeking to contact the person in charge of the financial affairs of the Estate of Joseph Schillicci.
15. Plaintiff contacted Ascension Point and was informed that they were attempting to collect a debt owed to Citibank.
16. Plaintiff is a practicing attorney who is an equity partner at his law firm. Plaintiff's law firm. Plaintiff and his law partner applied for a PPP loan on behalf of their law firm as a result of the Coronavirus Pandemic.
17. On February 6, 2021, Plaintiff was notified that his law firm's PPP loan application was denied. The stated reason was that "Applicant Potentially Deceased."

CAUSES OF ACTION

COUNT ONE

**VIOLATIONS OF THE FAIR CREDIT REPORTING ACT,
15 U.S.C. § 1681 et seq.**

18. Equifax violated 15 U.S.C. § 1681e(b) by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the credit report and credit files it publishes and maintains concerning the Plaintiff.
19. As a result of this wrongful conduct, action and inaction of Equifax, the Plaintiff suffered damage including, but not limited to, loss of credit, loss of the ability to purchase and benefit from credit as well as physical, mental and emotional pain, anguish, humiliation and embarrassment.
20. Equifax's conduct was willful, rendering it liable for punitive damages in an amount to be determined by a jury pursuant to 15 U.S.C. § 1681n. In the alternative, Equifax was negligent, entitling the Plaintiff to recover under 15 U.S.C. § 1681o.
21. The Plaintiff is entitled to recover costs and attorney's fees from Equifax in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or § 1681o.

WHEREFORE, PREMISES CONSIDERED, Plaintiff claims damages of the Defendant in statutory, compensatory and punitive damages, plus interest, costs, reasonable attorney's fees and any such other and further relief as this Court deems proper and/or necessary.

PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY.

/s/ W. Whitney Seals
W. WHITNEY SEALS,
Attorney for Plaintiff

OF COUNSEL:

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PLAINTIFF'S ADDRESS:

Joseph Schillicci, Jr.
127 Victory Trail
Pelham, AL 35124

PLEASE SERVE THE DEFENDANT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO THE FOLLOWING ADDRESS:

EQUIFAX INFORMATION SERVICES, LLC
c/o Corporation Service Company, Inc.
641 South Lawrence St.
Montgomery, AL 36104